

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL INC. and)	
HONEYWELL INTELLECTUAL PROPERTIES INC.,)	
)	
Plaintiff,)	
)	C.A. No. 04-1338 (KAJ)
v.)	
)	
APPLE COMPUTER, INC., et al.,)	
)	
Defendants.)	

**HONEYWELL’S MOTION FOR LEAVE TO FILE SUR-REPLY
IN OPPOSITION TO ARIMA DISPLAY’S MOTION TO DISMISS
FOR LACK OF PERSONAL JURISDICTION**

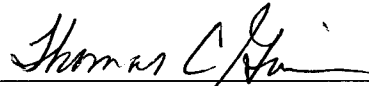
Plaintiffs Honeywell International Inc. and Honeywell Intellectual Properties Inc., (collectively, “Honeywell”) hereby move this Court for leave to file the attached Sur-Reply regarding defendant Arima Display’s Motion to Dismiss for Lack of Personal Jurisdiction, which addresses new information which Arima Display first submitted in its Reply Brief. In the wake of the Court’s decision on ST-LCD’s similar Motion, Honeywell requested that Arima Display dismiss its Motion, without prejudice, and engage in jurisdictional discovery. Arima Display rejected Honeywell’s request. Arima Display’s position has thus necessitated the instant request, in order that the Court may have a full record for evaluating Honeywell’s request for jurisdictional discovery.

Specifically, on April 17, 2006, Arima Display filed a Reply Brief in Support of its Motion to Dismiss for Lack of Personal Jurisdiction. Accompanying Arima Display’s Reply was a “Supplemental Declaration” of Mr. Hsing-Hung Shen which disclosed, *for the first time*, the identities and “locations” of Arima Display’s four U.S.-based customers. Honeywell’s initial research into Arima Display’s newly disclosed customers indicates that at least two of them

appear to be Delaware corporations, a third might be a Delaware corporation, and a fourth appears to be in the process of expanding its already existing Delaware sales operations.

The Local Rules of this Court state that “[t]he party filing the opening brief shall not reserve material for the reply brief which should have been included in a full and fair opening brief.” D. Del. LR. 7.1.3(c)(2). Because Arima Display reserved information relevant to determining personal jurisdiction until after the time for filing Honeywell’s Opposition had passed, Honeywell moves the Court for leave to file the attached Sur-Reply, which provides additional, jurisdictionally-relevant facts. (Okerlund Aff., Ex. A) (Sur-Reply).¹

MORRIS, NICHOLS, ARSHT & TUNNELL LLP



Thomas C. Grimm (#1098)
Leslie A. Polizoti (#4299)
1201 North Market Street
P.O. Box 1347
Wilmington, DE 19899-1347
(302) 658-9200
tgrimm@mnat.com
lpolizoti@mnat.com
Attorneys for Plaintiffs

OF COUNSEL:

Martin R. Lueck
ROBINS, KAPLAN, MILLER
& CIRESI L.L.P.
2800 LaSalle Plaza
800 LaSalle Avenue
Minneapolis, MN 55402-2015
(612) 349-8500

May 15, 2006
520413

¹ All Exhibits to the instant Motion including the proposed Sur-Reply are attached to the Affidavit of Michael D. Okerlund in Support of Plaintiffs’ Motion for Leave to File Sur-Reply in Opposition to Arima Display’s Motion to Dismiss for Lack of Personal Jurisdiction, filed herewith.

CERTIFICATE PURSUANT TO RULE 7.1.1.

The undersigned counsel for Honeywell hereby certifies that counsel for Honeywell spoke with counsel for Arima Display regarding the foregoing motion and counsel for Arima Display indicated that he was not at this time in a position to agree to the motion.

Dated: May 15, 2006



Thomas C. Grimm (#1098)

520455

CERTIFICATE OF SERVICE

I hereby certify that on May 15, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF, which will send notification of such filing to the following: John R. Alison, Parker H. Bagley, Robert J. Benson, Robert Karl Beste, III, Elizabeth L. Brann, John M. Caracappa, Christopher E. Chalsen, Arthur G. Connolly, III, Frederick L. Cottrell, III, Francis DiGiovanni, Thomas M. Dunham, Amy Elizabeth Evans, York M. Faulkner, Christopher J. Gaspar, Alexander E. Gasser, Alan M. Grimaldi, Thomas C. Grimm, Thomas Lee Halkowski, Richard L. Horwitz, Dan C. Hu, John T. Johnson, Robert J. Katzenstein, Nelson M. Kee, Richard D. Kelly, Stephen S. Korniczky, Hamilton Loeb, Robert Maier, David J. Margules, David Ellis Moore, Carolyn E. Morris, Arthur I. Neustadt, Elizabeth A. Niemeyer, Kevin M. O'Brien, Gerard M. O'Rourke, Andrew M. Ollis, Karen L. Pascale, Adam Wyatt Poff, Leslie A. Polizoti, Alana A. Prills, Steven J. Rizzi, Avelyn M. Ross, Philip A. Rovner, Diana M. Sangelli, Robert C. Scheinfeld, Carl E. Schlier, John M. Seaman, Chad Michael Shandler, John W. Shaw, Neil P. Sirota, Monte Terrell Squire, William J. Wade, Roderick B. Williams and Edward R. Yoches.


I also certify that on May 15, 2006, I caused to be served true and correct copies of the foregoing on the following as indicated:

BY HAND:

William J. Wade
RICHARDS LAYTON & FINGER
One Rodney Square, P.O. Box 551
Wilmington, DE 19899-0551

BY FEDERAL EXPRESS:

Dan C. Hu
TROP PRUNER & HU, P.C.
8554 Katy Freeway
Houston, TX 77024-1834



Thomas C. Grimm (#1098)
tgrimm @mnat.com